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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,974

12/21/2004

Richard Michael Taylor

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Saul Ewing LLP (Philadelphia)

Attn: Patent Docket Clerk

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EXAMINER

HUISMAN, DAVID J

ART UNIT

PAPER NUMBER

2183

MAIL DATE

DELIVERY MODE

04/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,974	Applicant(s) TAYLOR, RICHARD MICHAEL	
	Examiner DAVID J. HUISMAN	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 9-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1,2 and 9-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2 and 9-34 have been examined.

Papers Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: After-Final Amendment as received on 4/16/2009.

Response to Amendment

3. The finality of the last Office action is hereby withdrawn due to a large number of number of informalities found during a final review of the claims.

Claim Informalities

4. This application is in condition for allowance except for the following formal matters:

a) Regarding claim 1:

- Claim 1 is not worded in a fashion similar to traditional method claims. It is asked that applicant reword the limitations of claim 1 such that steps are claimed, as opposed to system components.
- The preamble does not seem to be indicative of what is actually occurring in the claim body. That is, applicant claims a method for execution within a processor, but at least some of the steps performed appear to be related to compiling instructions (not executing). Applicant is asked to clearly amend the preamble to be representative of the steps performed.

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- In line 5, applicant claims instructions. Are these instructions the same as the operations of step (a)? If so, applicant should be consistent with wording. Either operations or instructions should be used but not both.
- Should step (b) be separate from step (a)? It appears that step (b) is a substep of step (a), so it is not clear why applicant has a separate step (b) when step (a) is essentially performing that step. Perhaps step (b) could be combined with step (a) to make the limitations more clear?
- In line 7 (step c), the examiner believes that “the strands” is referring to the “individual strands” and not to the “different strands”. Please make this clear (by inserting --individual--, for instance).
- In line 10, (step d), replace “them” with --the operations--.
- In lines 13-14, two occurrences of “strand” appear. Is applicant referring to individual or different strands? Please make this clear.
- It is not clear why “whereby” is used after step (f) and why the remaining limitations are not worded as steps. Everything after “whereby” does not appear to be a result of steps (a)-(f), which is implied by “whereby”. They appear to be additional steps and should be treated as such.
- In line 16, is applicant referring to individual or different strands?
- In line 17, please remove the means language and reword this limitation as a step. Means language should not appear in a method claim.

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- In line 19, applicant refers to “operation strands”. It is not clear if these are equivalent to the individual strands or different strands, or if they are a new set of strands. Such should be made clear.
- In line 20, please insert --code-- before "block".
- In line 21, please delete “the” before "recovery".
- In line 22, please make clear which strands applicant is referring to (individual, different, or operation).
- In the last line, please make clear which strands applicant is referring to (individual, different, or operation).

b) Regarding claim 2:

- In line 1, applicant refers to “operations”. Claim 1’s steps a-b are unclear as to whether operations or instructions, or both, are in strands. Hence, applicant is asked to use consistent wording throughout the claims.
- Is an operation strand the same as an individual strand or a different strand? If so, please correct the wording to be more consistent.
- In line 2, please make clear which strands applicant is referring to (individual, different, or operation).

c) Regarding claim 9:

- The examiner believes that applicant is referring to claim 1, step (a) when using the phrase “the subdivision of code”. However, applicant should be consistent with wording to increase clarity. That is, "subdivision" should be replaced with --

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division-- and "code" should be replaced with --the sequence of operations--
(assuming the current state of claim 1).

- In line 2, please make clear which strands applicant is referring to (individual, different, or operation).

d) Regarding claim 10:

- Applicant refers to "the subdivision of code into executable blocks". However, this limitation lacks antecedent basis because claim 1 does not appear to set forth dividing code into executable blocks. Please clarify and use appropriate and consistent wording.

e) Regarding claim 11:

- In lines 1-2, is an operation strand the same as an individual strand or a different strand? If so, please correct the wording to be more consistent.
- In line 3, does "executable block" refer to an executable code block as set forth in claim 1? if so, please insert --code-- before "block".
- In line 4, please make clear which strands applicant is referring to (individual, different, or operation).
- Applicant refers to "operations" twice in this claim. Claim 1's steps a-b are unclear as to whether operations or instructions, or both, are in strands. Hence, applicant is asked to use consistent wording throughout the claims.

f) Regarding claim 12:

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- In line 1, applicant refers to “operations”. Claim 1’s steps a-b are unclear as to whether operations or instructions, or both, are in strands. Hence, applicant is asked to use consistent wording throughout the claims.
- In lines 1-2, applicant refers to “the strands”. Please make it clear which strands applicant is referring to (individual, different, or operation).
- In line 2, please make it clear which strand applicant is referring to (individual, different, or operation).

g) Regarding claim 13:

- In line 2, applicant refers to “the control logic”, “the functional unit”, and “the operation”. The claims lack antecedent basis for these limitations.

h) Regarding claim 14:

- In line 2, applicant refers to “the operation”. The claims lack antecedent basis for this limitation.
- Applicant is asked to explain how execution from a disabled strand occurs because this appears contradictory in that, if a strand is disabled, execution should not occur from it.
- Applicant is asked to explain what is meant by “substantially disables” and point out where support exists in the original specification for substantially disabling the operation or writeback.

i) Regarding claim 15:

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- Applicant refers to “operations” twice in this claim. Claim 1’s steps a-b are unclear as to whether operations or instructions, or both, are in strands. Hence, applicant is asked to use consistent wording throughout the claims.
- In line 3, does "executable block" refer to an executable code block as set forth in claim 1? if so, please insert --code-- before "block".

j) Regarding claim 16:

- In line 2, applicant refers to "each operation strand". It is not clear if an operation strand is the same as an individual strand or as a different strand, or if it's something separate. Applicant is asked to use clarify and/or use consistent wording throughout.

k) Regarding claim 17:

- In line 1, the examiner believes it would be more clear if applicant replace "strand execution state" with --execution state of each operation strand-- (or whatever type of strand applicant modifies claim 16 to reference).

l) Regarding claim 19:

- In line 3, there is no antecedent basis for “the same address”.

m) Regarding claim 20:

- In line 2, does "executable block" refer to an executable code block as set forth in claim 1? if so, please insert --code-- before "block".

n) Regarding claim 22:

- In line 2, applicant refers to “the code strands”, for which there is no antecedent basis.

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- In line 2, applicant refers to “such operations”. Which operations is applicant referring to? Clarification and consistent wording is requested.
- In line 3, applicant refers to “the strand”, for which there is a lack of antecedent basis because it is not clear which of the many types of strands applicant considers "the strand".

o) Regarding claim 23:

- Throughout the claim, please insert --individual-- before “strand”/”strands” if applicant is indeed referring to the individual strands set forth in claim 1. Otherwise, please specify which strands applicant is referring to.

p) Regarding claim 24:

- In line 2, applicant refers to “operation strand”. It is not clear if an operation strand is the same as an individual strand or as a different strand, or if it’s something separate. Applicant is asked to use clarify and/or use consistent wording throughout.
- In line 2, applicant refers to “all strands”. Please make it clear which strands applicant is referring to (individual, different, or operation).

q) Regarding claim 25:

- In line 2, applicant refers to “operation strand”. It is not clear if an operation strand is the same as an individual strand or as a different strand, or if it’s something separate. Applicant is asked to use clarify and/or use consistent wording throughout.

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- In line 2, applicant refers to “all strands”. Please make it clear which strands applicant is referring to (individual, different, or operation).

r) Regarding claim 26:

- In line 3, does "executable block" refer to an executable code block as set forth in claim 1? if so, please insert --code-- before "block".

s) Regarding claim 27:

- Applicant refers to “operations” in line 1. Claim 1’s steps a-b are unclear as to whether operations or instructions, or both, are in strands. Hence, applicant is asked to use consistent wording throughout the claims.

t) Regarding claim 28:

- Applicant refers to “strands” in line 2. Please make it clear which strands applicant is referring to (individual, different, or operation).

u) Regarding claim 29:

- In lines 1 and 3, applicant refers to “operation strand(s)”. It is not clear if an operation strand is the same as an individual strand or as a different strand, or if it’s something separate. Applicant is asked to use clarify and/or use consistent wording throughout.

v) Regarding claim 30:

- In line 1, there is a lack of antecedent basis for “the execution status”.
- Applicant refers to “strands” in line 2. Please make it clear which strands applicant is referring to (individual, different, or operation).

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- In line 2, does "executable block" refer to an executable code block as set forth in claim 1? if so, please insert --code-- before "block".

w) Regarding claim 31:

- Applicant refers to "strand" in line 2. Please make it clear which strand applicant is referring to (individual, different, or operation).
- In line 2, does "block" refer to an executable code block as set forth in claim 1? if so, please insert --executable code-- before "block".

x) Regarding claim 32:

- There is a lack of antecedent basis for "the scheduling and construction".
- Applicant refers to "strands" in line 2. Please make it clear which strands applicant is referring to (individual, different, or operation).
- In line 2, there is a lack of antecedent basis for "the code".

y) Regarding claim 33:

- Applicant refers to "strand" in line 1. Please make it clear which strands applicant is referring to (individual, different, or operation).

z) Regarding claim 34:

- Applicant should amend claim in a fashion similar to the amendment required to fix the preamble of claim 1. That is, the method of claim 1 appears to be directed to more than just instruction execution by a processor. Compilation is also involved. Therefore, it is not clear how a processor executes instructions by using the entire method of claim 1.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. HUISMAN whose telephone number is (571)272-4168. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/David J. Huisman/

Primary Examiner, Art Unit 2183

April 29, 2009